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13 UNITED STATES OF AMERICA,) NO. CR-16-00515 YGR
14 Plaintiff,)
15 vs.)
16 KENNETH BRESLIN,) **STIPULATION CONTINUING DATE**
17 Defendant.) **FOR CHANGE OF PLEA AND**
18) **SENTENCING**
19)

21 The parties in this case stipulate as follows:

22 1. Defendant Kenneth Breslin is charged with possession of child pornography, in
23 violation of 18 U.S.C. § 2252(a)(4)(B). .

24 2. Mr. Breslin is scheduled to change his plea to guilty and be sentenced on October
25 26, 2017, at 3:00 p.m.

26 3. Mr. Breslin is in custody following the revocation of his release bond on
27 September 7, 2017.

4. Mr. Breslin complied with his promise to the government that prior to sentencing

he would place \$100,000 in an account held by the clerk's office, such funds to be used to pay for restitution to victims and fines imposed by the court.

3 5. On September 18, 2017, counsel for Mr. Breslin began a state court jury trial in
4 which his client is charged with multiple murders and special circumstances. (*People v. Binh T.*
5 *Luc*, San Francisco Superior Court No. 223799.) The trial is expected to last until late November
6 or early December 2017.

7 6. As a result of defense counsel's involvement in the state court trial, he will not be
8 able to attend a change of plea and sentencing hearing on October 26, 2017. Nor will he be able
9 to effectively prepare for such a hearing.

10 7. Good cause therefore exists to continue the date of the change of plea and
11 sentencing hearing to December 14, 2017, at 2:00 p.m. Probation Officer Karen Mar, who is
12 preparing the preplea report, does not object to a continuance to this date.

13 8. The period from October 26, 2017 and December 14, 2017, should be excluded
14 in computing the time within which the defendant's trial must commence under the Speedy Trial
15 Act because the court is considering a proposed plea agreement to be entered into by the
16 defendant and the attorney for the Government, in accordance with 18 U.S.C. § 3161(h)(1)(G).

17 9. Good cause also exists for the Court to find that the ends of justice served by
18 excluding the period between October 26, 2017 and December 14, 2017 from the Speedy Trial
19 Act calculations outweighs the interests of the public and the defendant in a speedy trial by
20 allowing for the defense to prepare effectively and for continuity of defense counsel, in
21 accordance with 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

22 || IT IS SO STIPULATED.

23 | DATED: September 21, 2017

/s/ Mark Goldrosen
MARK GOLDROSEN
Attorney for Defendant KENNETH BRESLIN

23 DATED: September 21, 2017

/s/ Christina McCall
CHRISTINA MCCALL
Assistant United States Attorney